

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

WILLIAM T. MASON

Plaintiff,

VS.

CITY OF DALLAS, TEXAS

Defendant.

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NO. 3-07-CV-1757-O

ORDER REGARDING MOTION TO PROCEED IN FORMA PAUPERIS ON APPEAL

- () The application for leave to proceed *in forma pauperis* on appeal pursuant to 28 U.S.C. § 1915 is GRANTED.
- (X) The application for leave to proceed *in forma pauperis* on appeal pursuant to 28 U.S.C. § 1915 is DENIED for the following reasons:
- () The plaintiff is not a pauper.
- () The plaintiff has not complied with the requirements of 28 U.S.C. § 1915(a)(1) or (a)(2);
- () The plaintiff is barred from proceeding *in forma pauperis* on appeal because of the “three strikes” rule of 28 U.S.C. § 1915(g).
- (X) Pursuant to 28 U.S.C. § 1915(a)(3) and FED. R. APP. P. 24(a)(3), the court certifies that the appeal is not taken in good faith. In support of this finding, the court adopts and incorporates by reference the Magistrate Judge’s Findings and Recommendations entered July 25, 2008, and the Court’s Order adopting the Findings and Recommendations entered August 27, 2008. This Court finds that the appeal presents no legal points of arguable merit and is therefore frivolous.
- (X) Although this court has certified that the appeal is not taken in good faith under 28 U.S.C. § 1915(a)(3) and FED. R. APP. P. 24(a)(3), the plaintiff may challenge this finding pursuant to *Baugh v. Taylor*, 117 F.3d 197 (5th Cir. 1997), by filing a separate motion to proceed IFP on appeal with the Clerk of the Court, U.S. Court of Appeals for the Fifth Circuit, within 30 days of this order.

SO ORDERED this 24th day of October, 2008.


Reed O'Connor
UNITED STATES DISTRICT JUDGE